



Long-Term Care Regulatory Technical Memorandum

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| Number: TM 20-02 (ALF) |
| Title: Walkway from an Exit or Means of Escape |
| Provider Types: Assisted Living Facility (ALF) |
| TAC Reference: 26 TAC §553.61(b)(4) and §553.53(i)(7)(C)(ii) |
| Date Issued: June 19, 2020 |

1.0 Subject and Purpose

This technical memorandum (TM) provides guidance on the interpretation of, and compliance with, the requirements for a walkway from an exit, as established in Texas Administrative Code, Title 26 (26 TAC) Chapter 553, Licensing Standards for Assisted Living Facilities,¹ in §553.61(b)(4) and §553.53(i)(7)(C)(ii).

The guidance provided in this TM cannot address every unique condition or configuration. Compliance can only be evaluated based upon the particulars and on-site conditions in each situation. This TM applies only to the provisions of 26 TAC §553.61(b)(4) and §553.53(i)(7)(C)(ii) that it addresses and does not constitute a substantive change to any provision of §553.61 or §553.53. It does not address or modify any other rule in Chapter 553, nor any other legal requirement to which an assisted living facility is subject, including requirements for approval by a local authority having jurisdiction (AHJ) for enforcement of its own standards.

2.0 Policy Details & Provider Responsibilities

This TM clarifies the requirements for a walkway or pathway from an exit, including acceptable materials used in making a walkway, and providing safe access for occupants to travel to a public way.

2.1 Large Type A or Large B ALF Exit Discharge

A large type A or large type B ALF must provide an exit discharge between the exit and the public way if the exit does not end directly at the public way².

An exit discharge is a path, walkway or other walking surface or means to travel between the exit and the public way. A public way is a dedicated fire lane, public street or sidewalk, or other similar area intended for public use.

An exit is part of the means of egress and is most commonly the door that leads from inside the building to the outside and is marked with an exit sign. A means of egress is a continuous and unobstructed path of travel from anywhere in the building to a public way. It includes three separate and distinct parts:

- exit access – typically the corridor or hallway leading to the exit
- exit – typically the exterior door
- exit discharge – typically the path, walkway or space leading to the public way

The exit discharge **does not** have to be made of a specific material like concrete, asphalt or other similar material. The exit discharge can be a yard, courtyard or open space. Some commonly used walking surfaces include:

- concrete
- asphalt
- grass
- soil
- compacted gravel

The exit discharge **must** allow all occupants to safely get to the public way. An ALF must determine what kind of walking surface is needed based on the physical needs of the residents and staff, as well as any physical environment concerns such as accumulations of rain or snow, changes in elevation such as hilly areas or steep drop-offs, and other concerns that might impact an occupant's ability to safely get to the public way.

An ALF is **not** out of compliance with the exit discharge requirement **simply because** the walking surface is some material other than concrete or asphalt. If a life safety code (LSC) surveyor believes the exit discharge does not provide safe access to the public way, the surveyor must determine:

- what physical condition is unsafe or potentially unsafe;
- which one or more residents are impacted or potentially impacted; and
- what specific resident condition, physical ability or limitation contributes to the physical environment condition being considered unsafe.

If the ALF is a large Type B ALF that is Alzheimer's certified and has an exit that opens into an enclosed outdoor area, the ALF must also meet the requirements of section [2.3](#) of this document.

2.1.1 Means of Egress Changes in Elevation

Per NFPA 101, 7.1.6.1, an abrupt change in the elevation of the walking surface must not be greater than 1/4 inch. If the change in elevation is greater than 1/4 inch, but not greater than 1/2 inch, the change in elevation must be beveled at a 1 to 2 ratio. If the change in elevation is greater than 1/2 inch, it is considered a change in level and must meet the guidance in section [2.1.2](#) of this document.



Figure 1 - Bevel With 1 to 2 Ratio

2.1.2 Means of Egress Change in Level

Per NFPA 101, 7.1.7, a change in level is a change in elevation that is greater than 1/2 inch. A change in level must be achieved by a ramp or a stair meeting the requirements of NFPA 101 as required by the occupancy chapter applicable to the ALF. A curb that meets the stair riser height specified in NFPA 101, 7.2.2.2.1 is an acceptable change in elevation in the means of egress.

2.1.3 Example of Potential Noncompliance

There are many conditions that might contribute to noncompliance if an exit discharge does not provide safe access to the public way. An example of noncompliance could include a situation such as the following:

A resident in a large Type A ALF uses a wheelchair for mobility. The resident can propel and ambulate independently. The exit discharge is a grassy courtyard. The courtyard has a little hill and an area that dips down like a little valley. It had rained the day before and the ground was water-soaked and muddy.

While inspecting the exterior of the building, the LSC surveyor's foot got stuck in the mud and his shoe came off while trying to get his foot unstuck. The resident who was sitting outside enjoying the fresh air said, "You want to be careful. I got stuck in the mud yesterday and fell out of my wheelchair. That's why I'm sitting on the porch today."

After talking with the resident and staff, the LSC surveyor learned that the courtyard where the exit discharge is located "always floods when it rains" and the resident has gotten stuck several times before. The resident said, "I don't know what I'd do in an emergency if I got stuck in the mud. I'd probably panic." The ALF's emergency plan does not address the environmental condition at all and while the ALF knew about the exit discharge becoming muddy each time it rained, they had taken no steps to correct the issue.

In this example, the fact that the exit discharge became water-soaked and muddy when it rained, contributed to the exit discharge not providing safe access to the public way.

2.2 Small Type A or B ALF

A small type A or type B ALF must ensure residents, staff and guests can leave the building in an emergency. A small ALF does not have to provide a walkway to the public way.

It is important to note that a door in the means of escape, including an exterior door, is not an exit door by definition. If the ALF is a small Type B ALF that is Alzheimer's certified and has an exterior door that opens into an enclosed outdoor area, the ALF is not required to meet 26 TAC §553.53(i)(7)(C)(ii), since it does not have an exit door. In a small ALF, the presence of an "exit" sign does not cause an exterior door to be classified as an exit door.

2.3 Large Type B ALF That is Alzheimer's Certified

A large type B ALF that is Alzheimer's certified and has an exit that opens into the enclosed outdoor area required by 26 TAC [§553.53\(i\)\(7\)](#), must provide a continuous path of travel made of approved materials from the exit to the public way. This means the walkway must start at the exit, continue to each of the gates, and then continue to the public way.

HHSC considers the following types of materials "approved materials" only if they create a walking surface that is level and stable:

- concrete
- asphalt
- brick, cobblestone, flagstone or other "paver" materials installed close together without gaps between the materials except for the minimal gap necessary for installation
- rubberized walkway materials
- compacted gravel with edging to keep the gravel from shifting
- other unique materials that create a level, stable and slip-resistant walking surface

Note: If the ALF uses "other unique materials that create a level, stable and slip-resistant walking surface" or the LSC surveyor has concerns about the material used, both the LSC surveyor and the LSC program manager for the region in which the ALF is located must contact HHSC's architectural unit for guidance in determining if the material is acceptable.

If the door leading to the enclosed outdoor area is not an exit, the ALF does not have to provide a path of travel from that door to the public way.

3.0 Background/History

Health and Safety Code §247.0263 requires HHSC to provide “guidance on the interpretation of minimum life safety code standards” prescribed under Health and Safety Code, Chapter 247, Assisted Living Facilities, and ALF rules, in 26 TAC Chapter 553. The statute requires a TM to be published at least twice a year.

4.0 Resources

None

5.0 Contact Information

If you have any questions about this letter, please contact the Policy, Rules and Training Section by email at PolicyRulesTraining@hhsc.state.tx.us or call (512) 438-3161.

Endnote References

¹ All references to Texas Administrative Code, Title 26, Part 1, Chapter 553, Licensing Standards for Assisted Living Facilities, can be viewed at the [Texas Office of the Secretary of State website](#).

² NFPA 101, Life Safety Code, 2000 edition
National Fire Protection Association, Inc. (NFPA)
One Batterymarch Park
Quincy, Massachusetts 02269

To review codes and standards online:

- [View the list of NFPA's codes and standards](#).
- Select the document you want to review.
- Select the edition of the document you want to review.
- Click the "Free access" link (under the document title)
- You will be asked to "sign in" or create a profile to access the document in read-only format.

NFPA 101 references related to guidance provided in this document:

- 3.3.61 – definition for exit
- 3.3.62 – definition for exit access
- 3.3.63 – definition for exit discharge
- 3.3.121 – definition for means of egress
- 3.3.157 – definition for public way
- 7.1.6 – related to walking surfaces in the means of egress
- 7.1.7 – related to changes in level in the means of egress
- 7.7.1 – related to discharge from exits
- 7.10 – related to means of egress marking
- 18/19.2.1 – health care occupancy requirement to comply with NFPA 101, Chapter 7, Means of Egress
- 18/19.2.7 – health care occupancy requirement for discharge from exits
- 32/33.3.2.1 – large residential board and care requirement to comply with NFPA 101, Chapter 7, Means of Egress
- 32/33.3.2.7 – large residential board and care requirement for discharge from exits